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C O N F I D E N T I A L SECTION 01 OF 02 TBILISI 000036

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DEPARTMENT FOR EUR/CARC

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SUBJECT: TBILISI ELECTIONS UPDATE 01/10/2008

Classified By: Ambassador John F. Tefft for reasons 1.4 (b) and (d).

¶1. (C) Summary: On January 10 Ambassador Dieter Boden, OSCE/ODIHR Observation Team Chief briefed the OSCE Ambassadorial Working group, stressing that no systemic fraud occurred during the January 5 Presidential Elections. On the same day, Chairman of the Central Elections Commission (CEC) Levan Tarkhnishvili gave some explanations for high voter turnout in some districts, and the status of the number of complaints received. He expected to announced final results on January 13. Tarkhnishvili stated that even though the votes in four different precincts had been nullified, this would only affect the over all results by plus/minus one percent and it would not affect the overall outcome of the election.

OSCE Ambassadorial Working Group

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¶2. (C) At a January 10 OSCE Ambassadorial Working Group, Ambassador Dieter Boden, OSCE/ODIHR Observation Team Chief, commented that there were serious problems with vote tabulation at every fourth precinct election commission (PEC) on the day of elections and more evidence of this surfaces every day. He said that he had heard the opposition's claims that there was voter fraud, but he could find no evidence to support that this was a systemic problem. Boden noted that ODIHR representatives had compared their short term observers protocols (130 of 167) protocol information to the information posted on the Central Election Commission (CEC) website and no major discrepancies were noted.

Fraud

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¶3. (C) Boden said that although the opposition alleges that it has protocols which do not match CEC website data, no one has provided ODIHR nor the CEC with copies of these documents. He said that mistakes were made due to confusion and incompetence rather than maliciousness. Boden did acknowledge in some PECs there was a large number of last minute voters who appeared between 1700-2000. Boden gave an example of one PEC in Javakheti where according to the protocol over 1,0000 voters were processed in the last three hours that the poll was open. According to ODIHR analysts, it is not feasible that the PEC could have registered 1,000 voters in a mere three hours. On average, it takes at least 40 seconds to register one voter. Boden said that the turnout in Javakheti seems very high, and the opposition points to this as fraud, but no one has been able to give a clear cut evidence to support foul play. Ambassador Igor Gaon, Council of Europe, said that the opposition did not read the law and has not applied it correctly in regards to their claims of fraud. He too felt that there was no evidence of systemic falsification.

## Violations

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¶4. (C) Boden said that The Georgian Young Lawyers Association (GYLA) and The Society of Fair Elections and Democracy (ISFED) had filed complaints and some of them were rejected at the PEC level and then appealed at the district level. For those complaints which were rejected by the District Election Commission (DEC), organizations only have until the end of the day on January 11 to file a case with the CEC or the court system. All cases at the CEC and courts must be decided on January 13 when the official results will be announced. Boden said that the opposition's claims have not been substantiated. The opposition has held press conferences to announce their concerns, but have not produced the evidence to back it up. Boden thought their complaints were neither realistic nor serious. He did add that due to ISFED and GYLA reporting violations, the results of four PECS have been nullified. In these precincts there were reported instances of ballot stuffing, observers being denied access to the precinct, or in one case in Mestia, the PEC chairman took the ballot box home, no protocol was filed, so votes could not be counted.

## Press Gets it Wrong

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¶5. (C) Boden said that his statements have been misused by at least three Parliamentarians who quoted him as saying, "The results of the January 5 Elections were like a guarantee of democracy." Boden asked to clarify this issue on Rustavi 2 television to correct this misimpression, but was not granted air time. He said he didn't think the media was playing a

TBILISI 00000036 002 OF 002

fair game. He intended to complain to acting President Burjanadze.

## ODIHR Reps Stay Longer

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¶6. (C) Boden noted that the ODIHR core team would stay on beyond their original mandate. They were slated to depart originally on January 11, they will now depart on January 15. Their next report will be released after their departure to Warsaw but he does not expect it to reverse earlier observations, nor that the report's impact will change anything.

## CEC Reviews Election Issues

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¶7. (C) On January 10, Levan Tarkhnishvili, CEC Chairman, briefed the diplomatic corps on election results, the complaint process, high voter turn-out and "special PECs." According to Tarkhnishvili, approximately 600 violations were filed, most of them attributed to ISFED or GYLA. Out of these 600, 10 had made it to the CEC level, and seven of these had been addressed. He explained that complaints on the day of the election should have been filed with the PEC, or if rejected by the PEC, could be filed at the district level (DEC.) The next level in the process would either be in the courts system of Georgia or the CEC.

## High-Voter Turnout

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¶8. (C) Tarkhnishvili's spokesman, Irakli Porchkhidze, attributed high turn out rates in some regions due to "special PECs." He explained the "special PECs" as being military units, hospitals, police, prisons, or other institutions, which are subordinate to existing civil PECS.

This is envisioned in the Election Code. There are 73 of these "special PECS" and the total number of voters can be up to 2,000. These "special PECS" have a separate ballot box at a separate location but the ballot box is taken to its requisite PEC for counting at the end of the day. In theory, the civil PEC should call out to the "special PEC" during the day, before 1200 and 1700, to get the total number of people who have voted, so this information can be included on the protocol sheet along with other voters who have voted at these designated times. Tarkhnishvili said that in many cases this did not happen, and the end result was a sudden jump in the numbers of voters listed on the protocol in the last three hours of the day when these "special PECS" ballot boxes made their way to their requisite PEC. Porchkhidze disagreed that 1,000 voters could not be processed at the polling stations in three hours time, saying that with five people working the registration desk the process is faster than in previous elections.

Invalid Votes

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¶9. (C) Tarkhnishvili said that the votes voided from the four PECs earlier in the day would not change the overall results by more/less than one percentage point. Only court cases would change the results in such a way to affect the overall results, and currently there are no election violation court cases pending.

¶10. (C) Comment: The Embassy has shared its concerns about the election process directly with the CEC and expects to receive answers by January 11. End Comment.

TEFFT